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March 30, 2023

Elizabeth J. Cabraser  
Partner  
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RE: *In re: McKinsey & Co., Inc. National Prescription Opiate Consultant  
Litigation*, 21-md-02996 (N.D. Cal.)

Dear Counsel:

We write to inform you that all productions made by AmerisourceBergen, Cardinal Health, CVS, Endo, Janssen, Joint Defense, Mallinckrodt, Par, Par – Endo Joint Production, Purdue, Purdue – Sackler, Rite Aid, Walgreens, IQVIA, Deloitte, FDA, Grunenthal, ZS Associates, KMK Consulting, Arnab Ghatak, Jeff Jacobs, and Andrew Labunka in *In re: National Prescription Opiate Litigation* in the Northern District of Ohio (MDL 2804) may soon be produced to the McKinsey Defendants in *In re: McKinsey & Co., Inc. National Prescription Opiate Consultant Litigation* in the Northern District of California (MDL 2996).<sup>1</sup> If your client objects to the production of those documents, you must file an objection with the MDL 2996 Court no later than **April 15, 2023**.

By way of background, MDL 2996 is a consolidation of cases brought by third-party payors, tribes, school districts, governmental subdivisions, and minor children with neonatal abstinence syndrome (“NAS”) and their guardians. Plaintiffs allege that McKinsey unlawfully contributed to the nationwide opioid crisis in its role as a consultant to the opioid industry, resulting in injury to Plaintiffs.

In December 2022, McKinsey served Requests for Production on Plaintiffs, requesting “[a]ll documents or data produced in [MDL 2804], including material produced by [Plaintiffs], by other parties to that action, or by third-parties.” McKinsey identified 24 parties whose MDL 2804 discovery productions it deemed relevant to MDL 2996 proceedings. On March 17, 2023, Magistrate Judge Sallie Kim ordered the production of the MDL 2804 material in MDL 2996 over the objection of MDL 2996 Plaintiffs’ counsel. Judge Kim also ordered Plaintiffs to provide notice to the producing parties. We send this letter in compliance with Judge Kim’s order as well as the MDL 2804 protective order. A copy of Judge Kim’s order is enclosed with this letter. We have also enclosed the protective orders from both MDLs.

If you plan to object to the production of your client’s MDL 2804 discovery in MDL 2996, you must file an objection on the docket in Case No. 21-md-02996, N.D. Cal., by **April 15, 2023**. If you have any questions in the meantime, please contact Joe Rice

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<sup>1</sup> The McKinsey Defendants include: McKinsey & Company, Inc.; McKinsey Holdings, Inc.; McKinsey & Company, Inc. United States; and McKinsey & Company, Inc. Washington D.C.

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(jrice@motleyrice.com), Jayne Conroy (jconroy@simmonsfirm.com), Kelly McNabb (kmcnabb@lchb.com), or me (ecabramer@lchb.com).

As of now, we take no position on what any producing party may do in MDL 2804.

Best regards,

A handwritten signature in black ink, appearing to read 'Elizabeth J. Cabramer', with a long horizontal flourish extending to the right.

Elizabeth J. Cabramer  
*MDL 2996 Plaintiffs' Lead Counsel*

Cc: Joe Rice & Jayne Conroy (via email)  
*MDL 2804 Plaintiffs' Co-Lead Counsel*  
Kelly K. McNabb  
Miriam E. Marks  
Jenna N. Forster  
Eric B. Fastiff

Enclosures

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